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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) | |
|--|--|---|-------------------|
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| | | 09/811,011 | 3/15/2001 |
| | | First Named Inventor | |
| | | Ulhas Warriar | |
| | | Art Unit | Examiner |
| | | 2143 | Jerry B. Dennison |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> | | | |
| <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> | | <p><u>Paul A. Mendonsa</u> Signature</p> <p><u>Paul A. Mendonsa</u> Typed or printed name</p> <p><u>503-439-8778</u> Telephone number</p> <p><u>November 7, 2005</u> Date</p> | |
| <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> | | | |
| <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> | | | |

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Attorney Docket No.: 042390.P10851

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ulhas S. Warriar, et al.

Application No.: 09/811,011

Filed: March 15, 2001

For: Generic External Proxy

Examiner: Jerry B. Dennison

Art Group: 2143

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Date of Deposit

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Final Office Action mailed June 10, 2005, and in conjunction with the Notice of Appeal filed concurrently herewith, Applicant respectfully requests review of the Final rejection of the claims of the above referenced application in view of the following.

Claims 1, 6, 17, 21, 25, 28, 33, and 36 are the independent claims pending in the above-referenced patent application and are the subject of the Request. The Final Office action mailed June 10, 2005 rejected claims 1-37 as being unpatentable over U.S. Patent No. 6,381,646 issued to Zhang, et al. (*Zhang*) in view of U.S. Patent No. 6,661,799 issued to Molitor (*Molitor*). Applicant maintains that the Office actions have failed to set forth a *prima facie* case of obviousness under MPEP § 2143, and thus fail to support an

obviousness rejection of the claims, at least because the cited references fail to set forth at least one element of the invention as recited in the independent claims.

Claim 1 recites, in part, the following:

receiving from a network configuration server a network configuration not subject to translation by the translating access point;
and

providing according to the protocol said received network configuration to the second machine so that said communicating may traverse the translating access point which translates network traffic so as to apparently originate from the access point without breaking the protocol.

Claim 25 recites similar limitations.

Applicant agrees with the Final Office action that *Zhang* does not teach receiving from a network configuration server a network configuration not subject to translation by the translating access point and providing according to the protocol the received network configuration to the second machine so that the communications may traverse the access point without breaking the protocol.

Molitor discloses a NAT that allows an application to specify a particular external IP address to result from **network address translation** (emphasis added). See column 9, lines 35-47. Thus, like *Zhang*, *Molitor* does not disclose receiving from a network configuration server **a network configuration not subject to translation by the translating access point** and providing according to the protocol the received network configuration to the second machine so that the communications may traverse the access point without breaking the protocol. Therefore, no combination of *Zhang* and *Molitor* can teach or suggest the invention as claimed in claims 1 and 25.

Claim 6 recites, in part, the following:

translating the header of the packet by the access point of the packet origin so that the network packet apparently originates from the access point; and
using the second network address in the payload of the packet to provide a network configuration for a communications exchange.

Thus, the network packet apparently originates from the access point and a second network address is used in the payload of the packet to provide a network configuration for a communications exchange. Claim 28 recites similar limitations.

The Final Office action cites *Zhang* as teaching the above-referenced limitations of claim 6. The cited portion of *Zhang* discusses how some forms of network address translation require that a NAT table be maintained. See column 5, lines 40-51. NAT tables are used to modify source and destination addresses in the **header** of a packet and do not modify the payload portion of a packet. Thus, requiring or using a NAT table does not teach or suggest Applicant's limitation reciting ***using the second network address in the payload of the packet*** to provide a network configuration for a communications exchange. *Molitor* was cited as teaching providing the second network address in response to the request. Whether or not *Molitor* teaches the limitation cited in the Final Office action, *Molitor* does not teach or disclose that a network packet apparently originates from the access point and a second network address in the payload of the packet is used to provide a network configuration for a communications exchange. Thus, *Molitor* does not cure the deficiencies of *Zhang*. Therefore, no combination of *Zhang* and *Molitor* can teach or suggest the invention as claimed in claims 6 and 28.

Claim 17 recites, in part, the following:

receiving first network traffic from a network driver executing on a first machine of the internal network, said first traffic having an apparent origin of the single address;
allocating an external address on the second network;

providing the external address to a network driver of the first machine using a payload portion of a data packet; and
establishing a tunnel through the access point to the network driver so that network traffic for the external address is received by the network driver.

Thus, Applicant claims using a payload portion of a data packet to provide an address for a tunnel to be established with a device within an internal network having an access point that shares an address with multiple machines. Claim 33 recites similar limitations.

The Final Office action does not even attempt to show that *Zhang* or *Molitor* teaches providing an external address to a network driver of the first machine using a payload portion of a data packet through an access point that shares a single address with multiple machines as recited by claims 17 and 33. Therefore, Applicant submits that no combination of *Zhang* and *Molitor* can teach or suggest the invention as claimed in claims 17 and 33.

Claim 21 recites:

providing layer-based network services including an application layer, a network driver layer, and a session layer, wherein said driver is called before said session layer;

Claim 36 recites similar limitations.

Applicant agrees with the Office Action that *Zhang* does not disclose that the network driver is called before the session layer. The Final Office action makes a vague reference to Figure 3 of *Molitor* as disclosing calling the network driver before the session layer. Figure 3 shows a system for facilitating communication between two peer applications in different address realms and does not teach or disclose calling a network driver before the session layer. Therefore, because neither *Zhang* nor *Molitor* disclose calling the network driver before the session layer, no combination of *Zhang* and *Molitor* can teach or suggest the invention of claims 21 and 36.

Claims 2-5, 7-16, 18-20, 22-24, 26-27, 29-32, 34-35, and 37 depend, directly or indirectly, from independent claims discussed above. The rejection of the independent claims is shown above to be improper because the cited references, whether alone or in combination, fail to disclose or suggest at least one element of the independent claims. As per MPEP § 2143.03, claims depending from nonobvious independent claims are also nonobvious. Therefore, these claims are not rendered obvious by the references for at least the reasons set forth above with respect to the independent claims.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, all claims are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date:

Nov 3, 2005



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